

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR**

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IN THE MATTER OF

EMILY SOWELL

Respondent.

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) CASE NO. INS 2018-273  
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) **CONSENT AGREEMENT**  
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This Consent Agreement (Agreement) is entered into by the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (Code); and Emily Sowell (Sowell or Respondent). The Final Order (Order) is issued by the authority of the CSI.

**RECITALS**

WHEREAS, Emily Sowell is a licensed Montana resident individual insurance producer, license # 100144245, pursuant to Mont. Code Ann. Section 33-17-201, et seq.;

WHEREAS, during the relevant time period, Sowell was employed as an agent (insurance producer) of Randy Bogden Agency, Great Falls, Montana;

*In Re: Emily Sowell*  
Consent Agreement and Final Order

WHEREAS, on or about September 7, 2018, the CSI initiated an investigation into allegations of violations of the Montana Insurance Code, by Emily Sowell; and the investigation revealed that Sowell provided a fraudulent insurance binder in support of a vehicle loan;

WHEREAS, the CSI has alleged that Sowell violated Mont. Code Ann. Sections 33-1-1202(7), 33-1-1504(1)(d), 33-18-210, and 45-6-325.

WHEREAS, the CSI and Respondent agree, after considering the facts and circumstances of this matter, that the best interests of the public would be served by entering into this Consent Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and Respondent agree to settle this matter pursuant to the following terms and conditions:

### **STIPULATIONS AND CONSENTS**

- I. Respondent acknowledges, stipulates and consents to the following:
  - A. Respondent acknowledges that she was advised of her right to be represented by legal counsel to advise and defend her, and if represented by legal counsel, that such legal representation was satisfactory;
  - B. Respondent understands that she has the right and opportunity to respond to and contest the allegations against her and/or request a formal or informal hearing on the allegations. She specifically and affirmatively waives her rights to a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq.

C. The Respondent acknowledges that she enters into this Agreement voluntarily and without reservation;

D. Respondent admits the allegations; namely, that she provided false information in an insurance binder. She provided an invalid insurance binder in support of a Utility Task Vehicle (UTV) loan application. The UTV was not the type of vehicle that could be added to the policy. She also completed and submitted an invalid "evidence of insurance" form, and back-dated a binder, falsely showing insurance in effect from June 19, 2018 to August 6, 2018.

E. Respondent agrees and shall pay an administrative penalty to the State of Montana in the amount of \$500.00; and, full payment shall be received no later than April 1, 2019.

Payment should be mailed or delivered to:

Montana State Auditor, Commissioner of Securities and Insurance  
840 Helena Avenue  
Helena, Montana 59601  
Attention: Lisa Monroe

Checks should be payable to the "Montana State Auditor".

F. Respondent agrees to comply with all provisions of Montana law;

G. Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), the CSI, and all of the CSI's employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this action;

- II. The CSI and Sowell stipulate, agree and consent as follows:
- A. The Commissioner and the CSI have jurisdiction over the subject matter of this matter;
  - B. This Agreement is entered without adjudication of any issue, law, or fact. This Agreement covers the factual allegations addressed above. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against Respondent; limit or create liability of Respondent, or limit or create defenses of Respondent to any potential claims. The parties hereby waive formal proceedings pursuant to Mont. Code Ann. Section 2-4-603.
  - C. The applicable statute of limitations is tolled for two years from the date of execution of this Agreement with regard to the allegations herein. In the event Respondent violates the terms of this Agreement at any time before the applicable statute of limitations, plus two years, has run, the CSI reserves the right to seek any additional administrative or criminal penalties or further regulatory action;
  - D. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent, or representative of the CSI to induce Respondent to enter into this Agreement;
  - E. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon and executed by both parties in writing, with the same formality as this Agreement;



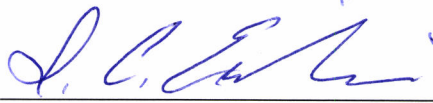
F. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner;

G. This Agreement shall be effective upon signing of the Final Order; and

H. The Agreement is a public record under Montana law and may not be sealed or otherwise withheld from the public.

DATED this 17<sup>th</sup> day of January, 2019.

OFFICE OF THE MONTANA STATE AUDITOR  
COMMISSIONER OF SECURITIES AND  
INSURANCE

By:   
Ivan C. Evilsizer  
Attorney for the CSI

DATED this 18<sup>th</sup> day of January, 2019.

  
Emily Sowell  
In her individual capacity

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. §§ 2-4-603 and 33-1-101 et seq., and upon review of the foregoing Consent Agreement and the attached, executed Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Emily Sowell is adopted as if set forth fully herein. The Consent Agreement is attached hereto and incorporated herein by this reference.

IT IS FURTHER ORDERED that this matter is DISMISSED.

DATED this 20 day of January, 2019.

MATTHEW M. ROSENDALE  
Commissioner of Securities and Insurance  
Montana State Auditor

By: \_\_\_\_\_

  
KRISTIN HANSEN  
Deputy State Auditor

cc: Ivan C. Evilsizer  
Attorney for CSI

Emily Sowell

*In Re: Emily Sowell*  
Consent Agreement and Final Order